

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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16-cv-7552 (KBF)

DANIEL RIVERA,

Plaintiff,

- against -

JUDGMENT

HOME DEPOT U.S.A., INC.,

Defendant.

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HOME DEPOT U.S.A., INC.,

Third-Party Plaintiff,

-against-

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

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KATHERINE B. FORREST, District Judge:

This action having been commenced September 27, 2016 by the filing of the Complaint, and the Court having granted, in part, the Motion for Summary Judgment filed by plaintiff Daniel Rivera on March 23, 2018 (Dkt. No. 104) in the amount of \$6,593,495.00; and

Plaintiff's counsel having subsequently withdrawn his request for future economic damages related to potential surgical interventions (Dkt. No. 122); and

The parties having agreed on the quantum of plaintiff's past economic damages already incurred by Stipulation on April 9, 2018; and

The issues of past and future pain and suffering having come on for trial, and a jury having returned a verdict on April 11, 2018 on behalf of the plaintiff, it is

ORDERED, ADJUDGED AND DECREED that plaintiff shall have judgment against defendant, Home Depot U.S.A., Inc., in the following amounts:

1. Economic Damages (past) : \$230,631.44
Medical Expenses
2. Economic damages (future) : \$6,539,495.00
Home Care
Routine Medical Costs
Prescription Medications
Physical Therapy
Wheelchair and related items
Mobility Aids, Home Furnishings
and Aids for independent living
3. Pain and Suffering (past) : \$135,000.00
4. Pain and Suffering (future) : \$1,710,000.00;
38 years
To be structured in accordance
With Article 50-B of the
New York Civil Practice Law
and Rules

and the Court having granted Home Depot's motion for summary judgment on the issues of contractual and common law indemnification at ECF No. 75, it is

ORDERED, ADJUDGED AND DECREED that upon payment of the plaintiff's judgment against it, Home Depot U.S.A., Inc., have judgment over and against Bryan's Home Improvement Corp. in the amount of \$8,669,126.44, subject to the terms and conditions stated herein.

The parties retain all rights to appeal the Court's prior rulings.

SO ORDERED

Dated: New York, NY

_____, 2018

KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE